

EXHIBIT 13

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

No. 1:19-cv-00477-CCE-LPA

THE ESTATE OF NAJEE ALI BAKER, by and)
through his Ancillary Administrator,)
Jemel Ali Dixon,)

Plaintiff,)

vs.)

WAKE FOREST UNIVERSITY, et al.,)

Defendants.)

Remote Deposition of OFFICER MICHAEL DEAN BOTTOMS
(Taken by Plaintiff)
Greensboro, North Carolina
Thursday, December 3, 2020

Reported in Stenotype by
Lauren M. McIntee, RPR, CRR
Transcript produced by computer-aided transcription

1 A. The -- I don't know if you consider the
2 management. I think it was a group effort. You know, I
3 wasn't directly involved in that. Usually, I was
4 just -- I got my assignments.

5 Q. And that was going to be my question. Have
6 you at any point been involved in developing policy
7 related to the management of Barn policies?

8 A. Not that I am aware of, no.

9 Q. Have you ever been asked by anyone to detail
10 your experience or recommendations working Barn parties
11 to assist them in developing strategics or policies for
12 managing those events?

13 A. Not that I recall, no.

14 MR. FAZZOLA: Why don't we go off the record.
15 Take a break.

16 (Recess taken 11:24 a.m. to 11:35 a.m.)

17 BY MR. FAZZOLA:

18 Q. Okay. Officer Bottoms, I want to take you
19 back to the night of the Barn party on January 19th,
20 2018. Okay?

21 Am I correct that at some point in the
22 evening, you were summoned into the Barn by event staff
23 based on a report of a fight?

24 A. Yes.

25 Q. And what do you recall event staff told you

1 about the nature of the fights inside the Barn?

2 A. About the fight that night?

3 Q. Correct. When you -- and just so -- to
4 clarify my question. When you were initially advised of
5 the fights going on inside the Barn?

6 MS. FULTON: Sorry. Are you saying "fights"
7 or "fight"?

8 MR. FAZZOLA: Fight.

9 MS. FULTON: Okay.

10 A. Okay. I was told that there -- only thing
11 that I recall that I was told, that there was a fight
12 inside the Barn on the dance floor area, but nowhere
13 specific.

14 BY MR. FAZZOLA:

15 Q. When you were initially told about the fight,
16 were identities of the participants in the altercation
17 provided to you?

18 A. No.

19 Q. After you were advised of the fight, did you
20 enter the Barn?

21 A. To the dance floor area, yes. I was already
22 inside the Barn, I think. I believe I was -- I forgot.
23 I'm sorry. Go ahead.

24 Q. Well, I just want to know what you recall.
25 So after being advised of the fight, whether you were

1 inside the Barn or outside the Barn, when you were
2 advised of the fight, you were not in the dance area of
3 the Barn, right?

4 A. Correct.

5 Q. After you were advised of the fight, is it
6 true that you then entered the dance area of the Barn?

7 A. Correct.

8 Q. Can you describe for us what you recall
9 seeing and hearing after you entered the dance area?

10 A. There was a large crowd. I mean, it was very
11 loud due to the party. What I saw was the crowd
12 shifting to the left. So I went to the left, walked
13 toward the back of the Barn on the inside of the dance
14 floor and trying to locate the fight.

15 Q. Were you able to locate the fight?

16 A. I never saw anyone fighting. And to my
17 knowledge, no one ever told me who was involved in it.
18 If there was a fight.

19 Q. And when you say, "no one told you who was
20 involved," do you mean at the point you're entering the
21 Barn and -- and moving in the way you described -- well,
22 I just want to understand. When you say, "no one told
23 you who was involved in the fight," do you mean ever or
24 do you mean while you were in the Barn after being
25 notified of the fight?

1 A. I was never informed on that night. And to
2 be honest with you, I still to this day do not know who
3 was actually involved in a fight.

4 Q. And one of the reasons for that is, you
5 weren't inside when the fight broke out, right?

6 A. To my knowledge, no.

7 Q. What else do you recall observing or hearing
8 after you entered the dance floor of the Barn?

9 A. Well, after I entered on the dance floor and
10 went to the left, I observed one person that seemed to
11 be very upset and he was -- what appeared to me was
12 surrounded by some of his friends that were trying to
13 get him to calm down. And that's basically when the --
14 you know, I was trying to get him to calm down so it
15 didn't escalate to anything further.

16 Q. You believed based on how that individual was
17 acting, that it was important to try to de-escalate the
18 situation?

19 A. For that person, yes.

20 Q. What did that person look like?

21 A. I can't remember specific details other than
22 he was taller than some of his friends and a black male.

23 Q. Do you recall what he was wearing?

24 A. No, I can't recall now.

25 Q. Has -- have you ever had the opportunity to

1 interview that individual?

2 A. No -- no.

3 Q. Have you ever learned his identity?

4 A. No. Not for sure, no.

5 Q. And what did you do to try to get that
6 individual to calm down?

7 A. Well, normally, the friends are a real good
8 asset to get people to calm down. So I think on some of
9 the video that I saw, you know, I was telling them to
10 see if they can get him to chill down. And that was my
11 goal so it didn't escalate to a higher event on the
12 inside.

13 Q. While you were inside the Barn, the dance
14 floor area, were there any other individuals whose
15 behavior you were concerned about?

16 A. I did not see any others that I was concerned
17 with, that my intention was mostly on this particular
18 guy and then his friends around him and just watching
19 that small group.

20 Q. What else do you recall observing or hearing
21 during your time on the dance floor after responding to
22 a report of a fight?

23 A. I'm not sure what you're asking. Can you ask
24 again?

25 Q. Yeah.

1 A. Maybe clarify?

2 Q. Do you recall hearing or observing anything
3 inside the Barn other than what you just described to
4 us?

5 A. As a disturbance? No.

6 Q. Just generally while you were in the Barn.

7 A. It was very loud. Inside, it was very loud
8 just from the party itself and the number of people. As
9 you could probably hear on some of the video.

10 Q. When you entered the dance floor, did you
11 have clear visibility so that you could see all of the
12 participants who were on the dance floor?

13 A. I would say that would be impossible.

14 Q. How long do you think you remained in the
15 Barn after entering the dance floor?

16 A. On that particular incident, I can't be
17 really sure. Seemed like -- what comes to mind to me,
18 and it could be longer, I have no idea, maybe
19 five minutes. I don't know.

20 Q. Was there a specific reason why you left the
21 Barn?

22 MS. FULTON: Objection. Vague as to time.

23 A. I'm sorry.

24 BY MR. FAZZOLA:

25 Q. You can answer, Officer Bottoms. But just to

1 clarify so it's clear, I am referencing after the
2 approximately five minutes you were in the Barn.

3 A. Okay.

4 Q. Right. After those five minutes, you left
5 the Barn, right?

6 A. Yeah, I went outside.

7 Q. And was the -- go ahead. You can -- I don't
8 mean to --

9 A. Well, one of the -- I'm just trying to get
10 the -- get the gentleman to calm down. One of the Rhino
11 personnel said that this gentleman needs to leave the
12 party, and so that's why we left. I asked for them or
13 him to leave, and that's when we proceeded outside the
14 Barn.

15 Q. So is it true that you followed this
16 individual as he left the Barn?

17 A. I followed the whole -- the group, him and
18 his friends.

19 Q. Was one of the reasons you did that to ensure
20 the individual left the Barn?

21 A. Well, that would be one reason, and also to
22 make sure, you know, nothing else occurred inside the
23 Barn.

24 Q. Did you want to make sure that individual
25 wasn't a threat to anybody else in the Barn?

1 A. Well, I don't know if you'd call him a
2 threat. More of a -- creating disturbance for the
3 people at the Barn.

4 Q. Is it true that you wanted to help ensure
5 that individual wouldn't create further disturbance for
6 the people in the Barn?

7 A. Correct.

8 Q. Is it also accurate that one of the reasons
9 you followed that individual outside the Barn is that
10 you wanted to help ensure that individual didn't create
11 further disturbance as he was leaving the Barn down the
12 roadway?

13 A. Yeah, that sounds correct.

14 Q. I want to go back to when you were inside the
15 Barn. Were there any other police officers with you
16 when you were summoned inside because of a fight?

17 A. To be honest with you, I know there was
18 another officer came, but whether she was actually there
19 at that time, I can't remember. And I'm sure y'all have
20 record of that.

21 Q. So is it fair to say that you don't have a
22 recollection -- if there were an officer in the Barn
23 during that 5-minute time period, you don't have a
24 recollection of having had conversations with her on the
25 dance floor area?

1 MS. FULTON: Objection.

2 A. In regard to the disturbance, no. I know a
3 female Officer Felts was called up for the alcohol
4 related issue.

5 BY MR. FAZZOLA:

6 Q. Is that Officer Dana Felts?

7 A. Correct.

8 Q. After you followed this individual outside of
9 the Barn, did you have any conversations with Officer
10 Felts regarding that individual?

11 A. I asked Officer Felts if she would, as the
12 group was walking down the walkway, on the roadway
13 behind Piccolo and Palmer, if she would just -- if she
14 would monitor them.

15 Q. Why did you -- why did you ask Officer Felts
16 to monitor the group?

17 A. Just from, you know, him being disturbed
18 inside the Barn, just to make sure, just to watch him.

19 Q. And why was it that you wanted Officer Felts
20 to watch that individual?

21 A. Well, basically, just for -- hopefully, his
22 friends got him to calm down and he didn't have any
23 other altercations whether he brought on or someone else
24 involved.

25 Q. Now, when you exited the Barn, was Officer

1 Felts already outside the Barn?

2 A. I can't specifically remember now, but I
3 would think so. I'm not sure.

4 Q. You're -- I understand you're not sure, but
5 you also said you would think so. Is there a reason why
6 you would think so?

7 A. I know -- I -- I don't know. I know she was
8 there in the first response of the alcohol-related
9 issue, and all where she was during everything, I can't
10 really remember. It should be on video or something.

11 Q. Okay. But apart from what's on video, you
12 don't have an independent recollection of where Officer
13 Felts was when you exited the Barn; is that right?

14 A. I'm thinking that she was outside.

15 Q. Okay.

16 A. Just -- just outside the Barn door.

17 Q. Do you recall Officer Felts telling you
18 anything when you exited the Barn?

19 A. No. Not now, no.

20 Q. Do you recall anyone else who was outside the
21 Barn telling you anything about the actions or
22 activities of other people that had left the Barn before
23 you?

24 A. At that time, no.

25 Q. Was there a later time when someone did?

1 A. I spoke to people after the incident, and
2 some mentioned some things that occurred outside.

3 Q. But while the incident was in progress, those
4 things were not mentioned to you; is that right?

5 A. Not that I recall, no.

6 Q. Okay. You asked Officer Felts to follow that
7 individual and the group he was with down the road. Did
8 she do that?

9 A. She was delay -- delayed for a brief moment,
10 and to my knowledge, yeah, she did. Or close behind.

11 Q. And why was Officer Felts delayed for a brief
12 moment?

13 A. Well, shortly after, we were -- walked out
14 the door and we were out front. At some point, I guess
15 they canceled the party. And then we have some student
16 ER team that -- that I recall were coming up to check on
17 the second female who had been drinking. And as they
18 were coming up the roadway, it would block her from
19 leaving. And that made her hesitate before she started
20 down the roadway.

21 Q. After leaving the Barn and advising Officer
22 Felts to follow that individual and the group, did you
23 remain outside the Barn?

24 A. Yes.

25 Q. What do you recall seeing and hearing after

1 that?

2 A. What I recall is, you know, at that point, I
3 look and a lot of people leaving the Barn. And I
4 thought to myself, well, I guess they've canceled the
5 party or shut it down. And during that time when the
6 people were leaving and what I heard was a pop sound. I
7 couldn't tell where it came from or what direction or
8 even what it was. And -- and I learned later other --
9 well, anyways, that's basically it. That's what I
10 heard.

11 Q. And after hearing the pop sound, did you --
12 well, did you take any -- did you take any action in
13 response to hearing the pop sound?

14 A. That I recall, on our departmental radio I
15 called and advised them that I had heard a pop sound,
16 not knowing the location. I didn't know if it was a
17 gunshot or not.

18 Q. And do you recall indicating in your radio
19 call that it was a potential gunshot?

20 A. I think I said it could or it may have not
21 been. I don't recall. Y'all can play it back and see.

22 Q. And when you say we "can play it back," I
23 meant to ask this earlier. During the time in
24 question -- during the time we've been discussing, did
25 you have a body cam on you?

1 you agree, where you mentioned the number 201?

2 A. Correct.

3 Q. Is that your radio handle on the Winston
4 Salem Police Department --

5 A. Correct.

6 Q. -- radio network?

7 A. Yes, it is.

8 Q. And was the clip we just heard you radioing a
9 call in to Winston Salem Police Department dispatch?

10 A. Correct.

11 Q. Why did you ask for any available units to
12 stand around Wake Forest Road in Lot W?

13 A. Well, since the party was ending, there was a
14 large group and everybody should be walking back to
15 their car. I just felt it would be a good idea if it
16 was -- any officer available that would be out in the
17 area just to monitor the crowd. I mean, everybody, not
18 just any particular individual.

19 Q. And you thought it was a good idea. Did you
20 think it was a good idea to have additional manpower to
21 help monitor the crowd that was leaving the event?

22 A. I just -- you heard from the radio. I just
23 requested anybody that maybe was available that could
24 just kind of watch as the people were leaving.

25 Q. And was it your understanding when you made

1 STATE OF NORTH CAROLINA

2 COUNTY OF FORSYTH:

3
4 REPORTER'S CERTIFICATE

5
6 I, LAUREN MCINTEE, RPR, CRR, a Notary Public
7 in and for the State of North Carolina, located in
8 Forsyth County, North Carolina, do hereby certify that
9 there appeared remotely on Thursday, the 3rd day of
10 December, 2020, the person hereinbefore named located in
11 Guilford County, North Carolina, who was by me duly
12 sworn to testify to the truth and nothing but the truth
13 of his knowledge concerning the matters in controversy
14 in this cause; that the witness was thereupon examined
15 under oath, the examination reduced to typewriting under
16 my direction, and the deposition is a true record of the
17 testimony given by the witness.

18 I further certify that I am neither attorney
19 or counsel for, nor related to or employed by, any
20 attorney or counsel employed by the parties hereto or
21 financially interested in the action.

22 I signed this notarial certificate on 11th
23 day of December, 2020, according to the emergency video
24 notarization requirements contained in G.S. 10B-25.

25 IN WITNESS WHEREOF, I have hereto set my

hand, this the 11th day of December, 2020.



LAUREN McINTEE, RPR, CRR Notary Public

Notary Number: 201616600044